



APPLICATION No. 10/767,313

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RESPONSE TO FIRST OFFICE ACTION

Claim Rejections – 35 USC § 102

1. First Office Action paragraph 2. – “ Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by P.S. Ramos (US2650286).”

The applicant respectfully request that the examiner’s rejections be reconsidered based on the following:

- a. P.S. Ramos’s invention was an electric conductor. “... relates to electrical terminals of the plug-in type adapted to be mounted in an insulating panel ... for establishing plug-in electrical connection.” P.S Ramos col. 1 line 1-4. Jackson’s invention was designed as “A lifting and anti torque bracket ... allows the grounding clamp to be lifted into position ... resists the tendency for the clamps to cam off...” Jackson Abstract. Jackson’s invention is not intended as a conductor and, in fact, in the embodiments that do not utilize the grounding clamp body as part of the bracket may be produced from dielectric material however, cost, strength and ease of manufacture generally dictate that it be produced from metallic material.
- b. The examiner equates Jackson’s first structure limitation which is described as “a lifting ring defining a first aperture”, Jackson claim 1, to Ramons 17. Ramons describes 17 as “serving to provide a plug-in receptacle 17 for receiving the plug in connector.” Ramos col. 2 line 31. Jackson

clearly limits the first aperture 3 to having mechanical properties for lifting weight. The examiner also inserted (electrical) to describe the “manipulating means (32).” First Office Action (FOA) pg. 2, par. 2. line 5. “The plug-in conductor end is indicated at 32”, P.S. Ramos col. 3 line 42 and Fig. 1, is clearly a conductor. Jackson, Fig. 12, L hook 38 is a common attachment for extend-able long reach sticks used by lineman, Jackson Fig. 11, and is never intended as a conductor. Jackson’s “manipulating means” is only intended to have mechanical properties “ ... providing a means to lift a temporary conductor into place ...”, Jackson Background of the Invention page 1, as shown in Jackson, top view Fig. 12 and side view Fig. 13, and is never described as conducting and may itself be dielectric.

d. Jackson’s second structural limitation is a “rigid region radially extending from said lifting ring.” Jackson claim 1. Ramos’ mounting tongue 23 (adjacent 24) and expansible receptacle 17, Ramos col. 3 line 23, as shown in Fig. 1 and 5, is a unitary structure or requires that 17 be disposed in the first hole. Receptacle 17 must be resilient, in fact, one major point of Ramos’ novelty is the surrounding eyelet 28 to prevent permanent deformation, Ramos col. 1 line 26. Ramos does not address any load bearing properties of the mounting tongue 23 as Jackson describes that area as rigid. Further, Ramos describes its overall function as a conductor. The use of the word “tongue” would invoke a suggestion of flexibility and it is not as limiting as the use of the word “rigid.” Jackson only incidentally suggests conductivity when the rigid region is the body of a hot line clamp wire assembly. Claim 5 teaches “the bracket assembly wherein the rigid region consists of a clamp of a hot line wire assembly.” FOA page 3 par. 6. That claim has been declared allowable if amended to be independent.

2. First Office Action paragraph 3. – “Regarding to the limitation”

The applicant (Jackson) respectfully request that the examiner’s rejections be reconsidered based on the following:

- a. The applicant incorporates the above paragraphs as if herein stated verbatim.
- b. The examiner relies on *Kropa v. Robie* to declare “ for accommodating a manipulating means for lifting a hot line grounding set” and “ to rigidly attach the mounting bracket to the cable clamp” as preambles to be given little patentable weight. The applicant respectfully points out that Ramos claim 1 describes the use of his invention as a conductor by the limitation of “an electrical terminal for mounting in an insulating panel” and that Jackson describes the use of his invention for use as a means for lifting and positioning. As previously stated conductivity of Jackson’s bracket is only incidental when the rigid region happens to be the body of a grounding clamp which would be allowed in an independent claim. The applicant relies on *In re Stencel*, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987) that the these modifiers actually limit the structure to accommodate a lifting means and for rigid attachment to a hot line grounding set. *Stencel* did not claim the collar as Jackson does not claim the manipulating means (lifting and positioning) or the hot line grounding set itself. The court in *Stencel* found the collar structure could not be ignored as the collar did limit the structure of the driver. The lifting ring must accommodate a manipulating means and the second aperture must accommodate a means to rigidly attach the bracket to the clamp. Ramos and Jackson serve very different functions. Jackson facilitates the use of conductors in situations requiring a long reach whereas Ramos is an electric conductor to be mounted into a panel.

3. First Office Action paragraph 3. – “ In regard to claim 2”

The applicant (Jackson) respectfully request that the examiner’s rejections be reconsidered based on the following:

- a. The applicant incorporates the above paragraphs as if herein stated verbatim.
- b. Claim 2 limits claim 1 to a bracket “wherein said body’s middle area is generally parallel to said first end and said second end.” Jackson’s and Ramos’ structures are only similar in having a parallel region and two holes, however Ramos’ invention requires a “tubular receptacle disposed in

one of said holes. Ramos col. 5 line 31. The detent hump 21, Ramos col. 3 line 50, dictates that the conductor can be inserted only from one side. The manipulating means of Jackson can be inserted from either side and its usefulness requires that the manipulating means can fit into the lifting ring with relative ease to allow a lineman to insert the manipulating means with a fully extended long reach stick many feet above the lineman. Applicant points out that many inventions have a part that is basically a flat body with apertures but that their individual descriptions and intended use gives rise to novelty.

5. First Office Action paragraph 3. – “ In regard to claim 4”

The applicant (Jackson) respectfully request that the examiner’s rejections be reconsidered based on the following:

- a. The applicant incorporates the above paragraphs as if herein stated verbatim.
- b. P. S. Ramos (figure 5) can be seen as a front view of mounting tongue 23 with integral receptacle 17. In figure 1 and 5 receptacle 17 appears to be formed from the same flat sheet stock with mounting tongue 23. The first aperture is produced by rolling part of the sheet opposite aperture 24 into a tube which becomes receptacle 17 and then formed to project receptacle 17 perpendicular to tongue 23. However, this brings the axis of aperture 24 and receptacle 17 into the same planes as shown in Fig 5. In Jackson claim 4 the forming of the body’s middle region 6 clocks the axis of the first and second aperture out of plane with each other. When viewing one aperture in its full diameter of the device described in Jackson claim 4 the second aperture will be skewed if not hidden.

5. First Office Action paragraph 5. – “ Claims 3 and 5 are objected to as being dependent”

The applicant (Jackson) respectfully request that the examiner’s rejections be reconsidered based on the following:

- a. The applicant incorporates the above paragraphs as if herein stated verbatim.

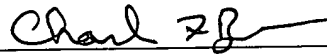
- b. The applicant avers that he has differentiated his invention from Ramos such that claims 1, 2 and 4 should be allowed as written and therefore claims 3 and 5 should be allowed as written

Conclusion

6. There is no evidence of Ramos' invention being used as applicant's. Ramos would be ill suited due to probable flexibility and that the receptacle would especially interfere with the intended use of the claimed invention which requires open access to the lifting ring. Applicant further states that there has been a long felt need for his invention which he conceived of by his own need as a lineman and the further logical extension that there has been no commercial success of Ramos' invention for this use. The applicant respectfully states that "lifting ring" is a limitation of structure and that "for accommodating a manipulating means" and "to rigidly attach the mounting bracket to the cable clamp" are limitations which further define the structure when examined in light of the entire claim and specification. Applicant points out that Ramos describes his invention for mounting in a panel which suggest permanent mounting and that applicant's invention relates to improvement in installation and removal of temporary conductors generally on exposed power distribution lines and further that the usefulness of his invention is not inherent in Ramos and in fact the structure of Ramos would not accommodate that use.

5. In light of the forgoing remarks, reconsideration and allowance to issue as a patent of this application is requested.

Respectfully submitted


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